

STATE OF NEBRASKA
DEPARTMENT OF NATURAL RESOURCES

ORDER OF CANCELLATION IN FULL OF WATER APPROPRIATION A-3977

CASE NUMBER 2015-6-PD-1

WATER DIVISION 2-F

BACKGROUND

1. Records on file in the Department of Natural Resources (Department) show that surface water appropriation A-3977 is held by Elliott Farms, Inc.
2. Appropriation A-3977 has a priority date of October 9, 1946, and authorizes the use of water for irrigation of the 37 acres of land described below. The water may be diverted from Bow Creek at a point of diversion located on the right bank of the stream in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 30 North, Range 1 West of the 6th P.M. in Cedar County. The rate that water may be diverted shall not exceed 0.26 cubic foot per second (cfs).

Township 30 North, Range 1 West of the 6 th P.M. in Cedar County		Acres
Section 13:	NW $\frac{1}{4}$ NW $\frac{1}{4}$	8
	NE $\frac{1}{4}$ NW $\frac{1}{4}$	<u>29</u>
TOTAL		37


3. The Department has received information concerning the use of surface water appropriation A-3977 that indicates the appropriation has not been used for its required purpose for more than five consecutive years.
4. On March 20, 2015, the Department issued a Notice of Preliminary Determination of Nonuse of appropriation A-3977. The Notice was delivered by certified mail to Elliott Farms, Inc., c/o Robert Elliott, President, 55710 880 Road, Hartington, Nebraska 68739.
5. No contest of the Preliminary Determination of Nonuse was received in the Department.
6. The Department has determined that appropriation A-3977 has not been used for its required purpose for more than five consecutive years.
7. *Nebraska Revised Statutes* § 46-229.02 provides that an appropriation not used for a beneficial purpose for more than five consecutive years may be cancelled.

ORDER

IT IS HEREBY ORDERED appropriation A-3977 is CANCELLED.

DEPARTMENT OF NATURAL RESOURCES

July 6, 2015



James C. Schneider, Ph.D.
Acting Director

A copy of this Order was posted on the Department's website. Copies of this Order were provided to the Department's docket clerk and field office in Norfolk, Nebraska. A copy of this Order was mailed on July 6, 2015, to the following:

Elliott Farms, Inc.
c/o Robert Elliott, President
55710 880 Road
Hartington, Nebraska 68739